

Bureau of the Budget
Division of Administrative Management
Management Improvement Branch
Business Methods Program

OGC HAS REVIEWED.

May 18, 1945(1)

Legislative Restrictions on Time Studies
in the Federal Government

In view of the frequency with which management techniques involving time and motion studies need to be considered in management planning and methods studies, and because of the prevalent opinion in government that "somewhere in general legislation there is something against time studies," the Business Methods staff has explored and identified the extent of legislative restrictions against time studies in the Federal Government. This research has disclosed that there are only two items of legislation specifically levelled against time studies and that they are applicable only to a limited area. Other legislative enactments, however, seem to have influenced the feeling that the prohibition is general.

Legislation specifically levelled against time studies

The two measures currently in effect which specifically restrict time study activities are the identical ones inserted annually in the military and naval appropriation acts. They provide:

"No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government, while making or causing to be made, with a stop watch or other time measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work;" (2)

These provisions in the appropriation acts for the War and Navy Departments are applicable only to the fiscal year for which the appropriations are granted. It is said they were originally brought about under the sponsorship of the American Federation of Labor thirty years

-
- (1) For developments subsequent to this original date of publication, see addendum, p. 6.
- (2) Public Law 374, 78th Congress, Chapter 303, second session, H.R. 4967; official short title, "Military Appropriation Act, 1945"
Public Law 347, 78th Congress, Chapter 269, second session, H.R. 4559; official short title, "Naval Appropriations Act, 1945"

- 2 -

ago. They have since been re-enacted each year. It is probable that they were levelled against the War and Navy Departments because it is in these agencies that industrial operations of the Government are extensively conducted.

It seems clear, however, that these restrictions:

- a. Do not apply to pure motion studies that are not concerned with time computations.
- b. Prohibit only the use of monies appropriated under the respective acts to pay the salaries of persons engaged in conducting time studies.
- c. Apply only to the War and Navy Departments except that the limitation would also apply to other agencies to the extent that appropriations of the War and Navy Departments are made available to them.

Influences of other items of legislation

A factor which may have contributed to the feeling that there is a more general provision against time studies than the ones applying to the War and Navy Departments is that a measure identical to the Military and Naval restriction was included in the Sundry Civil Expenses Appropriation Act(s) for the fiscal years 1917 and 1918. (1) Because of its inclusion in these appropriation acts the measure affected the entire Federal establishment during those years. It was omitted, however, after 1918 leaving only the provisions in the Military and Naval Appropriation Act(s) which have been re-enacted each year.

Two other items of legislation which supplement each other and continue to cloud the picture are those which exclude the use of time recording clocks. These measures provide:

- " a. "That no recording clocks used for recording time of clerks or other employees shall be purchased for use in any of the executive departments at Washington, District of Columbia, except from moneys specifically appropriated therefor." (30 Stat. 655, July 7, 1893)
- b. "No money appropriated by this Act shall be used for expense of repairing recording clocks used for recording time of clerks or other employees in any of the executive departments at Washington, nor shall there hereafter be used in any of the executive departments at Washington, any such recording clocks." (30 Stat. 864, Feb. 24, 1899) "

File 5
Sect 27

ILLEGIB



25.5 PL

(1) Respectively, Chap. 209 of 39 Stat. 336, and Chap. 27 of 40 Stat. 180.

- 3 -

Although these legislative measures were included respectively in the General Deficiency Appropriation Act of 1898, and in the Legislative, Executive, and Judicial Appropriation Act for the year ending June 30, 1900 they achieved permanent statutory effect because of the language employed. Since they have never been amended or repealed, they are still in effect. The measures were enacted as a result of the Treasury Department's desire at the time to purchase time recording clocks. Although it seems obvious that the restrictions appear to rule out the purchase, use and repair of clocks intended for recording the time that employees enter upon and leave their places of duty for the purpose of maintaining attendance records, the broad language "That no recording clocks used for recording time of clerks or other employees...." made it advisable that further exploration be undertaken to determine the possibility of their interpretation as applying to time studies. ★

An examination of the minutes of hearings conducted by the House and Senate Appropriation Committees preceding the adoption of these restrictions was made for an indication as to the intent of Congress regarding the extent of their application. The only references to recording clocks were found in discussions held on June 7, 1898 and December 14, 1898 when W. H. Hills, Secretary's Office, Treasury Department, was questioned by the Subcommittee of the House Committee on Appropriations. In both these instances it seemed clear that Congress had in mind only recording clocks as used for attendance timekeeping. -

In the hearing of June 7, 1898 on the General Deficiency Appropriation Act, it was brought out that the Treasury Department had introduced several time recording clocks on a trial basis and was contemplating purchasing them. The questioning that followed centered solely on the use of these clocks for reporting the daily attendance of employees and the time when a clerk was absent from the building. Committee members skeptically questioned the need of time clocks and the improvement in attendance which they were expected to achieve; as against the book-keeping details and costs involved in their use. The previous procedure had been for each employee to record his own name and time of arrival or departure on a time sheet posted near the entrance door of the building. The committee members felt that the installation of time clocks questioned the honesty of honorable employees who were thus humiliated - and because the system was "disgusting and distasteful" to them, they would become disgruntled and would not continue to do as much work as before. Accordingly, the provision "that no recording clocks used for recording the time of clerks or other employees shall be purchased for use in any of the executive departments at Washington...." which became 30 Stat. 655 was subsequently incorporated in the General Deficiency Appropriation Act of 1898.

In the subcommittee hearing of December 14, 1898 on the Legislative, Executive and Judicial Appropriation Bill for 1900 in which an appropriation for the Treasury Department was again under consideration, it was

- 4 -

disclosed that the Treasury Department had purchased the recording clocks previously disapproved by the hearings of June 7, 1898 on the General Deficiency Appropriation Act. The Treasury Department had consummated the purchase after the Act with its restrictive provision had passed the House but while it was still pending in the Senate. The committee members made a point of this and were interested to learn how costs for the maintenance and repair of the clocks would be met. Questions were again raised about the number of people needed for the additional clerical details involved in the use of the recording clocks for attendance recording and reporting. The committee continued in its apparent firm opposition to this method of attendance timekeeping and consequently the provision "No money appropriated by this act shall be used for expenses of repairing recording clocks....nor shall there hereafter be used in any of the executive departments at Washington any such recording clocks," which became 30 Stat. 864, was inserted in the Legislative, Executive, and Judicial Appropriation Bill for 1900.

A review of opinions by the Comptroller General on questions subsequently raised under these statutes did not disclose any instances involving the slightest evidence that these measures involved or were applicable to time studies of work processes or routines. The only decisions on record by the Comptroller General (1) applied specifically to the purchase of time clocks for recording the daily attendance of Federal employees. Even in these instances it was held that the statutory effect is only against the executive departments in Washington and does not apply to their field offices, or to Federal agencies other than executive departments. Apparently no opinion has thus far been requested of the Comptroller General concerning the purchase of stop-watches or other timing devices for the purpose of conducting time studies of work processes. On the basis of one of the decisions, however, it would seem likely that if the question arose the Comptroller General would hold to a literal interpretation as to whether the timepiece was intended for recording the time that clerks or other employees enter upon and leave their place of duty. For in that instance (2) an agency desired to purchase a watchman's clock and it was held by the Comptroller General that a watchman's clock is not contrary to the statute as such clock is not used for recording his hours of service or the time of his arrival and departure, but for the purpose of showing that the watchman has made the rounds of the buildings required by his instructions.

ILLEGIB

Conclusions

The information disclosed from this exploration and research into legislative restrictions on time studies establishes the fact that there

(1) M.S. 66-537; M.S. 85-724; M.S. 91-973; M.S. 95-935; (179) Comp. Dec. 1469

(2) M.S. 66-537

(in warehouse at Cameron, Va)

- 5 -

are no specific legal barriers other than the provision annually enacted into the Military and Naval Appropriation Act(s) which is pointed directly at the War and Navy Departments.

An interesting opinion in point recently disclosed, supports this finding and sums up all salient factors. It was arrived at by the legal staff of the Treasury Department and issued over the signature of Randolph E. Paul, General Counsel, on October 12, 1942. In this instance, officials of the Bureau of the Mint desired to conduct a time study of a particular process with a stop-watch so an opinion was requested of Treasury's legal staff. The opinion issued by Mr. Paul stated that "An exhaustive search of the statutes and legal sources failed to reveal any legal objection to the use of the stop-watch by the Bureau of the Mint.... and there is no statute making the prohibition of the use of stop-watches applicable to the executive departments of the Government generally." It was also noted in the opinion that the general prohibition in 30 Stat. 864 against the use of "recording clocks for recording time of clerks or other employees" was expressly limited to executive departments at Washington (the Mint is at Philadelphia). Decision as to whether a stop-watch may be said to be a recording clock was reserved. The opinion, however, went on to cite the provision in the Military and Naval Appropriation Acts as a possible indication of the opposition of Congress to time studies generally and supported this view by reporting excerpts of Congressional floor debates on the measures.⁽¹⁾ It concluded by advising against the use of the stop-watch by the Bureau of the Mint on the basis that although Congress legislated against its use only by the Military and Naval establishments of the Government, it expressed a general policy in opposition to the use of that device.

The present situation, therefore, as to the propriety of conducting time studies in the Government may be summarized by stating that in considering the utilization of time study techniques, the Government Administrator need concern himself only with the measure enacted on an annual basis in the Military and Naval Appropriation Act apart from the slight possibility that a stop-watch might be viewed as a recording clock within the meaning of 30 Stat. 864. In this respect some consideration might want to be given to Mr. Paul's view as to the adverse attitude of Congress to time studies generally. On the other hand, another viewpoint could be one which points out that by the discontinuance of the measure for government-wide applicability as previously contained in the Sundry Civil Expenses Appropriation Bills for 1917 and 1918 and its retention only in the Military and Naval Appropriation Acts, that what is signified is the intention of Congress to limit its restrictions against time studies only to War Department and Navy establishments.

(1) The Congressional Record (Pages 4668-4678) for May 15, 1945 provides data on the attitude of Congress toward time studies in the military and naval establishments. It reports Senate debate on an amendment to remove the prohibition from the Naval Appropriation Bill for the fiscal year 1946.

- 6 -

ADDENDUM
(February, 1948)

Since the date of original publication of this paper, the Appropriation Committees of Congress twice considered recommended omission or modification of restrictions on time studies in the Military and Naval Appropriation Measures. During the 1947 hearings (for fiscal, 1948), organized testimony was offered on advantages to be gained by the proper use of the time study technique, and evidence was introduced to show instances of approval by labor leaders.

At a peculiar turn of developments, however, the restriction was eliminated from the War Department appropriation measure, but was strengthened and again included in the Appropriation for the Navy Department which reads as follows:

"No part of the appropriations made in this Act shall be available for contracts with any person, firm, or corporation to make or cause to be made with a stop watch or other time-measuring device a time study of any job of any employee; no part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work."

[In the budget preparation for the fiscal year 1949, however, now before the Appropriation Committees of Congress, the above language in the appropriation measure for the Department of the Navy in the National Military Establishment has been bracketed for reconsideration.] It may be that this session of Congress will see the end of restrictions on time studies in the Federal Government.

*Carried forward
last of May
in appropriation bill of 1949*